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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,653	10/19/2001	Kim Cascone	A1SJ1888US	2682
23935 7590 09/28/2007 KOPPEL, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360			EXAMINER LERNER, MARTIN	
			ART UNIT	PAPER NUMBER
			2626	
			MAIL DATE	DELIVERY MODE
			09/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10040653	10/19/01	CASCONI ET AL.	AISJ1888US

KOPPEL, PATRICK & HEYBL  
555 ST. CHARLES DRIVE  
SUITE 107  
THOUSAND OAKS, CA 91360

**EXAMINER**

Martin Lerner

ART UNIT	PAPER
2626	20070924

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents****NOTICE OF NON-RESPONSIVE AMENDMENT**

Applicants' Amendment filed 04 September 2007 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50(c). As provided in 37 CFR 1.198, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner after a final decision of the Board except under the provisions of 37 CFR 1.114 (request for continued examination) or 37 CFR 41.50 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.


After a Decision by the Board of Patent Appeals and Interferences, Applicants are generally limited to canceling all claims but the allowed claims, or filing a Request for Continued Examination to add new claims or amend the current claims. Applicants' response is improper because in order to enter a claim amendment, Applicants must file a Request for Continued Examination. Accordingly, Applicants' Amendment filed on 04 September 2007 following Decision of the Board of Appeals and Interferences is not being entered.

Instead, Applicants' amendment presents new issues of lack of antecedent basis for "said random time delays".

A shortened statutory period for reply to this action is set to expire ONE MONTH from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML  
9/24/07

  
Martin Lerner  
Examiner  
Group Art Unit 2626